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August 7, 2015

SUBMITTED VIA ECF

Hon. Paul A. Engelmayer, U.S.D.J.
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Request for Oral Argument
In Re Bernard L. Madoff Investment Securities, LLC
1:15-cv-01151-PAE
1:15-cv-01195-PAE
1:15-cv-01223-PAE
1:15-cv-01236-PAE
1:15-cv-01263-PAE
(Bankr. S.D.N.Y. Adv. No. 08-01789 (SMB))

Dear Judge Engelmayer:

The undersigned are counsel for the *Amici* in these related appeals from the Bankruptcy Court. Our clients are former Madoff customers who are defendants in adversary proceedings in which Trustee seeks to avoid alleged fraudulent transfers. Our clients joined in an *amicus* brief in support of Appellants filed with the Court on May 4, 2015 (ECF No. 13).

Amici understand that earlier today your Honor entered an order scheduling oral argument in the appeals for September 15, 2015, at 10:00 a.m. (ECF No. 26). By this letter, *Amici* seek leave to participate in the argument of the appeals. Counsel for all other parties to the appeal have indicated their consent to such participation of *Amici* in oral argument, and authorized counsel for *amici* so to represent to the Court. After telephonic consultation earlier today with your law clerk concerning the form in which we should make this request, we make the request by letter in lieu of a formal motion. (We also note, with respect to the scheduling of oral argument, that September 15 is the second day of Rosh Hashanah.)

We submit that the importance of the legal issues before the Court merits the participation of *amici*, especially in light of the Bankruptcy Court's recent decision extending its ruling on the treatment of inter-account transfers to transactions at issue in the pending adversary proceedings, under the same rationale that the Bankruptcy Court enunciated in the decision on



Hon. Paul A. Engelmayer, U.S.D.J.
August 7, 2015
Page 2

appeal in these related cases. See Memorandum Decision Regarding Omnibus Motions to Dismiss, *In re Bernard L. Madoff Inv. Secs. LLP*, Adv. No. 07-01789 (Bankr. S.D.N.Y. June 2, 2015) (ECF No. 10089).

Respectfully submitted,

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cc: All Counsel of Record (via ECF)